

1 AMENDMENT TO SENATE BILL 263

2 AMENDMENT NO. _____. Amend Senate Bill 263, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Perinatal HIV Prevention Act.

7 Section 5. Definitions. In this Act:

8 "Health care provider" or "provider" means any physician,
9 hospital facility, or other person that is licensed or
10 otherwise authorized to deliver health care services.

11 "Health care services" means any services included in (i)
12 the furnishing of prenatal medical care or labor or delivery
13 services to a pregnant woman and her newborn, or (ii) the
14 hospitalization incident to the furnishing of the care or
15 services.

16 Section 10. HIV counseling and offer of HIV testing
17 required.

18 (a) As a routine standard of care, every health care
19 provider in this State that provides health care services to
20 a pregnant woman, including but not limited to routine
21 prenatal care, shall provide every pregnant woman with HIV

1 counseling and shall provide HIV testing with the woman's
2 permission, unless she has already received an HIV test
3 during pregnancy. A provider shall provide the counseling and
4 offer the testing as early in the woman's pregnancy as
5 possible. For women at continued risk of exposure to HIV
6 infection, a repeat test should be offered late in pregnancy.
7 The counseling and offer of testing shall be documented in
8 the woman's medical record. The woman shall indicate in
9 writing that she has received the counseling and whether she
10 accepts or declines the administration of an HIV test.

11 (b) As a routine standard of care, every health care
12 provider that cares for a pregnant woman during labor and
13 delivery shall provide HIV counseling and shall provide HIV
14 testing with the woman's permission if not already done
15 during pregnancy. The counseling and offer of testing shall
16 be documented in the woman's medical record. The woman shall
17 indicate in writing that she has received the counseling and
18 whether she accepts or declines the administration of an HIV
19 test.

20 (c) As a routine standard of care, every health care
21 provider in charge of caring for a newborn infant shall,
22 within 48 hours of the newborn's birth, provide counseling to
23 the parent or guardian of the newborn and perform HIV testing
24 when the HIV status of the newborn's mother is unknown, if
25 the parent or guardian does not refuse testing. The provider
26 shall document in the woman's medical record that counseling
27 and the offer of testing were given, and that no written
28 refusal was given, if that was the case.

29 (d) The counseling required under this Section must be
30 in accordance with the provisions of the AIDS Confidentiality
31 Act and must include, but not be limited to, the following:

32 (1) The benefits of HIV testing for the pregnant
33 woman including the prevention of transmission.

34 (2) The benefits of HIV testing for the newborn

1 that include interventions to prevent HIV transmission.

2 (3) The side effects of such interventions.

3 (4) The statutory confidentiality provisions that
4 relate to HIV and acquired immune deficiency syndrome
5 ("AIDS") testing.

6 (5) The voluntary nature of the testing, including
7 the need to refuse newborn testing in writing.

8 (e) The Illinois Department of Public Health shall
9 promulgate rules to interpret the provisions of this Act.

10 (f) All counseling and offers of testing must be
11 performed in accordance with the standards set forth in the
12 AIDS Confidentiality Act. All testing provided under this Act
13 must be in accordance with the standards set forth in the
14 AIDS Confidentiality Act with the exception of the
15 requirement of written consent for newborn testing. Consent
16 for newborn testing shall be presumed when a health care
17 provider or health facility seeks to perform a test on a
18 newborn whose mother's HIV status is not known, provided that
19 all the following have taken place: (i) counseling for the
20 newborn's parent or guardian on the information in items (1)
21 through (5) of subsection (d) of this Section; and (ii) the
22 newborn's parent or guardian has not indicated in writing
23 that he or she refuses to allow the newborn to receive HIV
24 testing.

25 Section 99. Effective date. This Act takes effect upon
26 becoming law."